

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of P.J., Jr., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

V

ETTA ADAMS,

Respondent-Appellant.

UNPUBLISHED

August 20, 2002

No. 238519

Wayne Circuit Court

Family Division

LC No. 80-219685

Before: White, P.J., and Neff and Jansen, JJ.

MEMORANDUM.

Respondent appeals as of right the trial court's order terminating her parental rights to her child pursuant to MCL 712A.19b(3)(a)(ii), (c)(i), (g), (i), and (j).¹ We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

We review a trial court's decision to terminate parental rights for clear error. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that the petitioner has proven by clear and convincing evidence the existence of one or more statutory grounds for termination, the court must terminate parental rights unless it finds from evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). We review the trial court's decision regarding the child's best interests for clear error. *Id.*, pp 356-357.

We hold that the trial court did not clearly err in concluding that petitioner established by clear and convincing evidence the existence of one or more statutory grounds for termination of respondent's parental rights. Petitioner took custody of the child in large part because respondent's longstanding substance abuse problem prevented her from providing proper care or custody for the child. Respondent did not visit the child as required by the parent-agency agreement, and made no attempt to comply with other aspects of the agreement. She made no effort to address her substance abuse problem. The trial court did not clearly err in finding that

¹ The child's father is deceased.

termination of respondent's parental rights was warranted on the grounds of desertion, MCL 712A.19b(3)(a)(ii), that the conditions that led to adjudication continued to exist and were not reasonably likely to be rectified within a reasonable time considering the child's age, MCL 712A.19b(3)(c)(i), that respondent failed to provide proper care or custody and could not be expected to do so within a reasonable time, MCL 712A.19b(3)(g), and that it was reasonably likely that the child would be harmed if returned to respondent's care, MCL 712A.19b(3)(j).² The evidence did not show that termination of respondent's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *Trejo, supra*.

Respondent's assertion that the trial court made the decision to terminate her parental rights prior to hearing evidence at the permanent custody hearing is unsubstantiated. When speaking to substitute counsel the trial court observed that respondent had not complied with the parent-agency agreement; however, the court gave no indication that it had reached a decision at that time.

Affirmed.

/s/ Helene N. White

/s/ Janet T. Neff

/s/ Kathleen Jansen

² The record does not support the trial court's termination of respondent's parental rights pursuant to MCL 712A.19b(3)(i) (parental rights to one or more siblings terminated and prior attempts to rehabilitate parent unsuccessful). The error is harmless in light of the fact that termination is supported by other statutory grounds.